



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 11/27/2008 (Per: TKK)





Appendix A

 The 2007 drafting file for LRB-3325

has been transferred to the drafting file for

2009 LRB-0794

 This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: 10/17/2007

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Spencer Coggs (608) 266-2500

By/Representing: Adam Plotkin

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: PG

Submit via email: YES

Requester's email: Sen.Coggs@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

5-K attendance

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 11/12/2007	bkraft 11/20/2007					S&L
/P1			rschluet 11/20/2007		sbasford 11/20/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST**Bill**Received: **10/17/2007**Received By: **tkuczens**Wanted: **As time permits**

Identical to LRB:

For: **Spencer Coggs (608) 266-2500**By/Representing: **Adam Plotkin**This file may be shown to any legislator: **NO**Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - miscellaneous**Extra Copies: **PG**Submit via email: **YES**Requester's email: **Sen.Coggs@legis.wisconsin.gov**Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

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Topic:

5-K attendance

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/?	tkuczens	/Pl bjk 11/20					
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FE Sent For:

<END>



Spencer Coggs

State Senator

To: Tracy

- ☐ In response to your recent request.
- ☐ I thought you might be interested in the enclosed material.
- ☐ Please review and contact me.

Let me know if you have any questions.

Thank you, Adam

State Capitol: P.O. Box 7882, Madison, WI 53707-7882 • Phone: (608) 266-2500
Fax: (608) 282-3546 • Home: (414) 442-0739
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5K: Compulsory Attendance and Prerequisite for 1st Grade Admission

Legislation: Require attendance of students enrolled in 5-year-old kindergarten. Require students to complete kindergarten in order to attend 1st grade. Provide that this requirement may be waived if the parent or guardian of a child files a written request with the school district and the child is determined exempt from kindergarten attendance pursuant to school district policies and procedures that include a determination that the child demonstrates the social, emotional and cognitive skills necessary for 1st grade. Allow school districts to develop such policies and procedures for kindergarten exemption.

States with Compulsory School Age of 5:

Arkansas
Connecticut
Delaware
Maryland
New Mexico
Oklahoma
South Carolina
Virginia

→ WI is 6

State with Mandatory Student Attendance in Kindergarten:

Arkansas
Connecticut
Delaware
Louisiana
Maryland
Nevada
New Mexico
Ohio
Oklahoma
Rhode Island
South Carolina
Tennessee
Virginia
West Virginia

re. requirement: am 118.14 and 118.16

or

cr. 120.12(25M) (advis)

or

am. 121.02 (see (1)(d))

Current law: Any person having under his/her control a child who is between the ages of 6 and 18 years and has not graduated from high school shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter of semester of the school year in which the child becomes 18 years of age. Section 118.15(1)(a) Stats.

skill parental
control
half or full
day

exception
opt-out
no change
to compulsory
age

Section 121.02(1)(d), Wis. Stats. requires all Wisconsin school districts to offer five-year-old kindergarten.

1. At what age can a child enter kindergarten?

State law, s (118.14(1) (a), Wis. Stats., specifies that children are eligible for kindergarten based on their age. To be eligible for 4-year-old kindergarten, a child must be 4 by September 1 of the school year. To be eligible for 5-year-old kindergarten, a child must be 5 by September 1 of the school year.

2. If a child turns 4 or 5 after September 1 of the school year; can he or she still enter 4- or 5-year-old kindergarten?

That depends on local district policy and practice because s. (120.12(25), Wis. Stats., allows school districts to develop policies and procedures to allow early admission to kindergarten and first grade. As long as children are admitted through a district's early admission policy, they can be counted for equalization aid.

The following procedures are suggested best practices for districts to observe:

1. A personal meeting with the parents to determine their reasons for requesting entrance prior to the legal age.
2. An assessment of the child's potential to benefit from early admission and to successfully participate in the grade level, including consideration of emotional stability, social and mental maturity, and physical health.
3. A process for appeals to the school board.
4. Consistency of practice and policy for early admission to 4K and 5K.

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Tuesday, November 06, 2007 3:23 PM
To: Plotkin, Adam
Subject: 5-year-old kindergarten

Hand written comment per. Adam
 t. conf. 11/7/07.
 Draft as
 P- draft for now. JK

Hi Adam:

The drafting instructions are somewhat contradictory. On the one hand, you requested that, under the bill, a parent or guardian is to be permitted to retain control over whether a child enrolls in 5-year-old kindergarten; should a parent or guardian choose to enroll their child in 5-year-old kindergarten, the child must regularly attend kindergarten.

However, you also requested that the bill make the completion of 5-year-old kindergarten a prerequisite to admission to first grade (but permit school districts to waive this requirement under certain circumstances).

Together, these changes to current law have the effect of making kindergarten compulsory at age 6 for the following children who are not enrolled by a parent or guardian in 5-year-old kindergarten and who do not obtain a waiver from the school district:

1. If a parent or guardian determines not to enroll their child in 5-year-old kindergarten and the school district does not permit a waiver from the requirement that a child complete kindergarten before being admitted to first grade, the parent must enroll their child in kindergarten when the child is six. Is that your intent? *yes*

2. If a parent or guardian determines not to enroll their child in 5-year-old kindergarten in a school district in which a waiver from the kindergarten requirement is available, the parent or guardian does not seek an exemption from kindergarten until the time at which they seek to enroll their child in first grade, and the child is denied an exemption, the parent must enroll their child in kindergarten when the child is six. Is that your intent? *yes plus: try to incorporate procedures into S. 120.12(25)*

Here are three additional questions:

1. Once a parent has determined to enroll their child in 5-year-old kindergarten and the child has begun attending kindergarten, may the parent be permitted to "opt-out" the child? *No.* *(if possible)*

2. What is the time point at which the parent must inform the school district that the parent wishes to seek a waiver for their child? I see two options:

a. The year before the child is expected to enroll in first grade.

b. The summer immediately preceding the September in which the child would enroll in first grade?

look for existing time point at which family must enroll in school for that year.

3. May a parent seek to enroll their 5-year-old in first grade? *No.*

Thanks for your input,
 Tracy

Tracy K. Kuczenski
 Legislative Attorney
 Wisconsin Legislative Reference Bureau
 (608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3325

TKK:.....

→ d-note
RM NOT RUN

in 11/12/07

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

SA ✓
X-ref ✓

gen. cat.

five

- 1 AN ACT ...; relating to: requirements for pupils enrolled in 5-year-old
2 kindergarten.

Analysis by the Legislative Reference Bureau

* Under current law, attendance in school is compulsory for children between the
ages of 6 and 18. A child who has reached the age of 4 years may enroll in 4-year-old
* kindergarten if the school district in which the child resides operates a 4-year-old
* kindergarten program, and a child who has reached the age of 5 may enroll in
* 5-year-old kindergarten. However, enrollment in and the completion of
kindergarten is not required.

* This bill requires a child to complete 5-year-old kindergarten as a prerequisite
to being admitted to first grade in a public school. The bill permits a school board
to establish policies, standards, conditions, and procedures for the parent or
guardian of a child to seek an exemption from the requirement that the child
* complete kindergarten. The bill also requires a child who has enrolled in 5-year-old
kindergarten in a public or private school to regularly attend kindergarten during
the school year.

For further information see the *state and local* fiscal estimate, which will be
printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

SECTION 1. 118.15 (1) (am) of the statutes is created to read:

118.15 (1) (am) Except as provided under par. (d) and sub. (4), unless the child is excused under sub. (3), any person having under his or her control a child who is enrolled in 5-year-old kindergarten shall cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session at the public or private school in which the child is enrolled until the end of the school term.

SECTION 2. 118.16 (2) (cg) 1. of the statutes is amended to read:

118.16 (2) (cg) 1. A statement of the parent's or guardian's responsibility, under s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

History: 1971 c. 164 s. 85; 1975 c. 39; 1979 c. 221, 298; 1985 a. 211; 1987 a. 285; 1993 a. 16, 56, 334, 339, 491; 1995 a. 27 ss. 3947, 9130 (4), 9145 (1); 1995 a. 77; 1997 a. 3, 27, 205, 239; 1999 a. 9; 2001 a. 107; 2005 a. 122.

SECTION 3. 118.16 (2) (cg) 4. of the statutes is amended to read:

118.16 (2) (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required under s. 118.15 (1) (a) and (am).

History: 1971 c. 164 s. 85; 1975 c. 39; 1979 c. 221, 298; 1985 a. 211; 1987 a. 285; 1993 a. 16, 56, 334, 339, 491; 1995 a. 27 ss. 3947, 9130 (4), 9145 (1); 1995 a. 77; 1997 a. 3, 27, 205, 239; 1999 a. 9; 2001 a. 107; 2005 a. 122.

SECTION 4. 118.165 (1) (e) of the statutes is amended to read:

118.165 (1) (e) The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance requirement under s. 118.15 (1) (a) and (am).

History: 1983 a. 512; 1989 a. 336; 1995 a. 27; 1997 a. 27.

SECTION 5. 118.33 (6) (c) of the statutes is created to read:

118.33 (6) (c) 1. Except as provided in subd. 3., beginning on September 1, 2009, a school board may not enroll a child in the 1st grade in a school in the district, including in a charter school located in the district, unless the child has completed

1 5-year-old kindergarten. Each school board shall adopt a written policy specifying
2 the criteria for promoting a pupil from 5-year-old kindergarten to the 1st grade.

3 2. Except as provided in subd. 4., beginning on September 1, 2009, the operator
4 of a charter school under s. 118.40 (2r) may not enroll a child in the 1st grade in the
5 school unless the child has completed 5-year-old kindergarten. Each operator of a
6 charter school shall adopt a written policy specifying the criteria for promoting a
7 pupil from 5-year-old kindergarten to the 1st grade.

8 3. A school board may establish policies, conditions, standards, and procedures
9 for exempting a child from completing kindergarten as a prerequisite to enrollment
10 in 1st grade. The school board shall require the parent or guardian of a child seeking
11 to be exempted from kindergarten under this subdivision to submit to the school
12 board a written request for exemption and to demonstrate to the satisfaction of the
13 school board that the child demonstrates the social, emotional, and cognitive skills
14 necessary for admission to the 1st grade.

15 4. Each operator of a charter school under s. 118.40 (2r) may establish policies,
16 conditions, standards, and procedures for exempting a child from completing
17 kindergarten as a prerequisite to enrollment in 1st grade. The operator of the
18 charter school shall require the parent or guardian of a child seeking to be exempted
19 from kindergarten under this subdivision to submit to the operator of the charter
20 school a written request for exemption and to demonstrate to the satisfaction of the
21 operator of the charter school that the child demonstrates the social, emotional, and
22 cognitive skills necessary for admission to the 1st grade.

23 **SECTION 6.** 938.345 (2) of the statutes is amended to read:

24 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a
25 juvenile is in need of protection or services based on the fact that the juvenile is a

✓
1 school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the
2 court also finds that the juvenile has dropped out of school or is a habitual truant as
3 a result of the juvenile's intentional refusal to attend school rather than the failure
4 of any other person to comply with s. 118.15 (1) (a) and (am), the court, instead of or
5 in addition to any other disposition imposed under sub. (1), may enter an order
6 permitted under s. 938.342.

7 **History:** 1995 a. 77; 1997 a. 27, 164; 1999 a. 9, 89; 2003 a. 50; 2005 a. 25, 344, 387; s. 13.93 (2) (c).

(END) ✓

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3325/0dn

TKK:.....

CP1
bjk

Date

Senator Coggs:

Please review this draft carefully to ensure that I have captured your intent. ✓

Note that the requirement that a pupil complete 5-year-old kindergarten as a prerequisite to first grade does not apply to pupils enrolling in first grade in a private school, but the requirement that a pupil enrolled in 5-year-old kindergarten regularly * attend kindergarten does apply to a pupil enrolled in a private school. (Is this your intent?)

Note also that this bill could have the effect of indirectly lowering the compulsory age of attendance to 5 years old for the following reasons:

- (school) *
1. Parents will not be assured that their child will be granted a waiver from 5-year-old kindergarten when it comes time to enroll their 6-year-old child in first grade and will * preemptively enroll their child in 5-year-old kindergarten.
 2. Parents who choose to enroll their child in 5-year-old kindergarten and who determine after the fact that their child is not ready for 5-year-old kindergarten will not have any way to correct this premature enrollment.

Let me know if you have any questions or wish to make any changes.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

(5-year-old)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3325/P1dn

TKK:bjk:rs

November 20, 2007

Senator Coggs:

Please review this draft carefully to ensure that I have captured your intent.

Note that the requirement that a pupil complete 5-year-old kindergarten as a prerequisite to first grade does not apply to pupils enrolling in first grade in a private school, but the requirement that a pupil enrolled in 5-year-old kindergarten regularly attend kindergarten does apply to a pupil enrolled in a private school. Is this your intent?

Note also that this bill could have the effect of indirectly lowering the compulsory age of school attendance to 5 years old for the following reasons:

1. Parents will not be assured that their child will be granted a waiver from 5-year-old kindergarten when it comes time to enroll their 6-year-old child in first grade and will preemptively enroll their 5-year-old child in 5-year-old kindergarten.
2. Parents who choose to enroll their child in 5-year-old kindergarten and who determine after the fact that their child is not ready for 5-year-old kindergarten will not have any way to correct this premature enrollment.

Let me know if you have any questions or wish to make any changes.

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3325/P1

TKK:bjk:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 118.16 (2) (cg) 1., 118.16 (2) (cg) 4., 118.165 (1) (e) and 938.345
2 (2); and **to create** 118.15 (1) (am) and 118.33 (6) (c) of the statutes; **relating to:**
3 requirements for pupils enrolled in five-year-old kindergarten.

Analysis by the Legislative Reference Bureau

Under current law, attendance in school is compulsory for children between the ages of six and 18. A child who has reached the age of four years may enroll in four-year-old kindergarten if the school district in which the child resides operates a four-year-old kindergarten program, and a child who has reached the age of five may enroll in five-year-old kindergarten. However, enrollment in and the completion of kindergarten is not required.

This bill requires a child to complete five-year-old kindergarten as a prerequisite to being admitted to first grade in a public school. The bill permits a school board to establish policies, standards, conditions, and procedures for the parent or guardian of a child to seek an exemption from the requirement that the child complete kindergarten. The bill also requires a child who has enrolled in five-year-old kindergarten in a public or private school to regularly attend kindergarten during the school year.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.15 (1) (am) of the statutes is created to read:

2 118.15 (1) (am) Except as provided under par. (d) and sub. (4), unless the child
3 is excused under sub. (3), any person having under his or her control a child who is
4 enrolled in 5-year-old kindergarten shall cause the child to attend school regularly,
5 religious holidays excepted, during the full period and hours that kindergarten is in
6 session at the public or private school in which the child is enrolled until the end of
7 the school term.

8 **SECTION 2.** 118.16 (2) (cg) 1. of the statutes is amended to read:

9 118.16 (2) (cg) 1. A statement of the parent's or guardian's responsibility, under
10 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

11 **SECTION 3.** 118.16 (2) (cg) 4. of the statutes is amended to read:

12 118.16 (2) (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be
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14 regularly as required under s. 118.15 (1) (a) and (am).

15 **SECTION 4.** 118.165 (1) (e) of the statutes is amended to read:

16 118.165 (1) (e) The program is not operated or instituted for the purpose of
17 avoiding or circumventing the compulsory school attendance requirement under s.
18 118.15 (1) (a) and (am).

19 **SECTION 5.** 118.33 (6) (c) of the statutes is created to read:

20 118.33 (6) (c) 1. Except as provided in subd. 3., beginning on September 1, 2009,
21 a school board may not enroll a child in the 1st grade in a school in the school district,
22 including in a charter school located in the school district, unless the child has
23 completed 5-year-old kindergarten. Each school board shall adopt a written policy
24 specifying the criteria for promoting a pupil from 5-year-old kindergarten to the 1st
25 grade.

1 2. Except as provided in subd. 4., beginning on September 1, 2009, the operator
2 of a charter school under s. 118.40 (2r) may not enroll a child in the 1st grade in the
3 school unless the child has completed 5-year-old kindergarten. Each operator of a
4 charter school shall adopt a written policy specifying the criteria for promoting a
5 pupil from 5-year-old kindergarten to the 1st grade.

6 3. A school board may establish policies, conditions, standards, and procedures
7 for exempting a child from completing kindergarten as a prerequisite to enrollment
8 in the 1st grade. The school board shall require the parent or guardian of a child
9 seeking to be exempted from kindergarten under this subdivision to submit to the
10 school board a written request for exemption and to demonstrate to the satisfaction
11 of the school board that the child demonstrates the social, emotional, and cognitive
12 skills necessary for admission to the 1st grade.

13 4. Each operator of a charter school under s. 118.40 (2r) may establish policies,
14 conditions, standards, and procedures for exempting a child from completing
15 kindergarten as a prerequisite to enrollment in the 1st grade. The operator of the
16 charter school shall require the parent or guardian of a child seeking to be exempted
17 from kindergarten under this subdivision to submit to the operator of the charter
18 school a written request for exemption and to demonstrate to the satisfaction of the
19 operator of the charter school that the child demonstrates the social, emotional, and
20 cognitive skills necessary for admission to the 1st grade.

21 **SECTION 6.** 938.345 (2) of the statutes is amended to read:

22 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a
23 juvenile is in need of protection or services based on the fact that the juvenile is a
24 school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the
25 court also finds that the juvenile has dropped out of school or is a habitual truant as

1 a result of the juvenile's intentional refusal to attend school rather than the failure
2 of any other person to comply with s. 118.15 (1) (a) and (am), the court, instead of or
3 in addition to any other disposition imposed under sub. (1), may enter an order
4 permitted under s. 938.342.

5

(END)